

ORDER

**DRAFT
DOE O 243.2A**

VITAL RECORDS

1. PURPOSE. Establish and sustain a vital records program to provide the Department of Energy (DOE) with the information needed to conduct business under other than normal operating conditions and to resume normal business afterward; and enable DOE officials to identify and protect the most important records dealing with the legal and financial rights of DOE and persons directly affected by DOE actions. (36 CFR 1223.12).
2. CANCELLATION. DOE Order 243.2, *Vital Records*, dated 2-2-06. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with the directive. Contractor Requirements Documents (CRDs) that have been incorporated into a contract remain in effect throughout the term of the contract unless and until the contract or regulatory commitment is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.

3. APPLICABILITY.

- a. Departmental Applicability. Except for the equivalencies/exemptions in paragraph 3.c., this Order applies to all DOE elements.

The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees comply with their respective responsibilities under this Order. Nothing in this directive will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Pub. L. 106-65, as amended, to establish Administration-specific policies, unless disapproved by the Secretary.

- b. DOE Contractors.

- (1) Except for the equivalencies/exemptions in paragraph 3.c., the Contractors Requirements Document (CRD) (Attachment 1) sets forth requirements to be applied to contractors that create, receive, use, maintain, disseminate, and/or dispose of DOE records in connection with the performance of DOE-funded tasks or activities.
 - (2) The CRD or its requirements must be included in contracts that involve the receipt, creation, use, maintenance, dissemination, and/or disposition of DOE records. All records created and received in the performance of the contract, except those designated as contractor-owned, are DOE records. See 48 CFR 970.5204-3 *Access to and Ownership of Records*.

- c. Equivalencies/Exemptions for DOE O 243.2A. Equivalencies and exemptions to this Order are processed in accordance with DOE O 251.1C, *Departmental Directives Program*.

Exemption.

- (1) In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 U.S.C. sections 2406 and 2511, and to ensure consistency throughout the joint Navy and DOE organization of the Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors will implement and oversee all requirements and practices pertaining to this DOE Order for activities under the Deputy Administrator's cognizance, as deemed appropriate.
- (2) Bonneville Power Administration (BPA) is excluded from this Order; however, in accordance with Secretarial Delegation Order 00-33.00A, dated 9-27-2002, the Administrator of the BPA will implement and oversee all requirements and practices pertaining to this Order for activities under the Administrator's cognizance.

4. REQUIREMENTS.

- a. The requirements of DOE Order 243.1A, *Records Management Program*, are incorporated by reference.
- b. Establish and sustain a vital records program as prescribed by laws, regulations, and directives, that ensures DOE makes and preserves records containing adequate and proper documentation of the Department's organizations, missions, functions, policies, decisions, procedures, and essential transactions. The program must be designed to furnish the information necessary to protect the legal and financial rights of DOE and persons directly affected by its activities. 44 U.S.C. 3101, 36 CFR Part 1223, *Managing Vital Records*.
- c. Identify records that specify how DOE will operate in an emergency or disaster. Identify records necessary to continue operations. Identify records needed to protect the legal rights and interests of DOE and persons directly affected by its actions. Decisions made for selection, maintenance, and protection of vital records must be guided by the objectives and requirements of the National Archives and Records Administration (NARA), *Vital Records and Records Disaster Mitigation and Recovery Instructional Guide*; 36 CFR, Subchapter B, *Records Management*, Part 1223, *Managing Vital Records*; and Executive Order 12656.
- d. Incorporate this Order into the DOE Continuity of Operations Plan (COOP). The Plan should include the requirement that continuity personnel must have the

appropriate media and equipment needed to access the records in place at all times.

- e. Establish procedures for identifying, protecting, controlling access to, and ensuring availability of records and information systems.
 - (1) Classified and unclassified records must be handled in accordance with DOE O 471.1B, *Identification and Protection of Unclassified Controlled Nuclear Information*, dated 3-01-10, and DOE O 471.3, *Identifying and Protecting Official Use Only Information*, dated 4-9-03; DOE O 475.2A, *Identifying Classified Information*, dated 2-01-11.
 - (2) Before classified documents can be stored at these locations, approval must be granted in accordance with DOE O 470.4B, *Safeguards and Security Program*, dated 7-26-11.
 - (3) Ensure the COOP locations in which vital records will be stored (such as alternate emergency operations centers (EOCs), command centers, and relocation sites) provide adequate protection, accessibility, and meet the requirements of 36 CFR 1234 and the improved fire protection risk level required by DOE O 420.1B, *Facility Safety*, dated 12-22-05.
- f. Review, rotate, or cycle vital records annually, at a minimum, to ensure the current versions are available. Conduct an annual review of the Vital Records Program to address new security issues, identify problem areas, and update data.
- g. Test the capabilities annually for protecting classified and unclassified records, and provide access to such records from alternate facilities per DOE O 150.1, *Continuity Programs*, dated 5-08-08.
- h. Establish procedures for contracting officers to transmit requirements of this directive to contractors to ensure information management policies, manuals, and mission-specific information requirements are clear under the terms of their contracts or in the mission-specific scope of work provided within the budgeting process.
- i. Retain original vital records for the period of time specified in the DOE records schedule disposition authorities. Duplicate copies of vital records stored at COOP identified locations should be destroyed when obsolete or superseded by newer versions; then replaced with updated copies.

5. RESPONSIBILITIES.

a. Secretary of Energy

- (1) Establish and sustain a vital records program as prescribed by laws, regulations, and directives.

b. DOE Chief Information Officer.

- (1) Develop and administer DOE vital records policies and directives related to rights and interests records and provide oversight in their implementation.
- (2) Develop and distribute guidance related to identification, maintenance, and protection of rights and interests records.
- (3) Maintain liaison with NARA and other Federal agencies on matters affecting vital records.

c. Continuity Program Manager, Office of Emergency Operations.

- (1) Administer the emergency operating records portion of the DOE Vital Records Program.
- (2) Develop policies, procedures, and operating guidelines for emergency operating records.
- (3) Act as liaison for the security aspects of Headquarters emergency operating records and storage sites.
- (4) Ensure Headquarters mechanisms are in place to provide access to emergency operating records during emergencies.

d. Heads of DOE Elements.

- (1) Designate Emergency Management Program Administrators in accordance with DOE Order 150.1, *Continuity Programs*; and DOE O 151.1C, *Comprehensive Emergency Management System*, Chapter XI, Paragraph 1, to implement the emergency operating records portion of the vital records programs in accordance with the requirements of this Order for purposes of record availability.
- (2) Designate Program Records Officials (PRO), Records Liaison Officers (RLO), and Records Management Field Officers (RMFO), in accordance with DOE O 243.1A, to implement the Vital Records Program in accordance with the requirements of this Order for purposes of record availability.
- (3) Ensure their staffs are aware of and execute appropriate measures to identify and protect vital records.

- (4) Designate responsible individuals for identifying the contracts in which CRDs must be included and notifying the contracting officers of affected contracts.

e. Emergency Management Program Administrators.

- (1) Ensure emergency operating records are compiled, maintained, updated, protected, and retrievable.
- (2) Ensure the following are complete in preparation for a DOE COOP defined event:
 - (a) ensure all alternate EOCs, alternate command centers, and relocation sites are identified;
 - (b) work with their organizations' PROs to ensure:
 - i. emergency operating records are identified in accordance with established policies and procedures and that other information needs are addressed;
 - ii. emergency operating records must be identified, inventoried (see DOE Office of the Chief Information Officer (OCIO) Records Management Processes, *Procedure for Conducting a Records Inventory*), and collected annually, at a minimum, to ensure the current versions are available; this includes all media. Copies should be forwarded to designated off-site storage locations;
 - iii. procedures are in place to provide records access and ease of retrieval during emergencies (through the Emergency Management Program);
 - iv. records storage facilities meet regulatory requirements.
- (3) Provide vital records training to their respective program. (36 CFR Part 1223 and 36 CFR 1234)
- (4) Develop and maintain training records that can be made available for inspection.

f. Program Records Officials (PROs).

- (1) Ensure vital records are compiled, maintained, updated, protected, and retrievable for authorized review.
- (2) Maintain inventories of their organizations' vital records.

- (3) Ensure program personnel are trained and aware of the purpose and understanding of the Vital Records Program.
- (4) Develop and maintain training records that can be made available for inspection.
- (5) Coordinate vital records storage issues with the NNSA, Office of Emergency Operations Support.

g. Contracting Officer.

- (1) Apply applicable provisions of this Order to affected contracts.
- (2) Incorporate the CRD into affected contracts.
- (3) Transmit planning requirements to contractors to ensure appropriate information management policies, manuals, and mission-specific information requirements are clear under the terms of their contracts; or in the mission-specific scope of work provided within the budgeting process.

6. DEFINITIONS.

- a. DEPARTMENTAL RECORDS OFFICER. Person assigned responsibility for overseeing the DOE Records Management Program by the DOE Chief Information Officer or his/her designee.
- b. DOE ELEMENTS. First-tier organizations at DOE Headquarters and in the field, including the NNSA. First-tier organizations at Headquarters include the offices of the Secretary, Deputy Secretary, Under Secretary, Secretarial Officers Assistant Secretaries, and staff offices. First-tier organizations in the field include operations offices, field and site offices, and the power marketing administrations. Headquarters elements are normally located in the Washington, D.C., metropolitan area; field organizations are all DOE sites (excluding individual duty stations) located outside the Washington metropolitan area. Requirements pertaining to first-tier organizations will normally be passed through to subordinate organizations.
- c. EMERGENCY OPERATING RECORDS. Vital records essential to the continued functioning or reconstitution of an organization during and after an emergency. Included are emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records that assist agency staff in conducting operations under emergency conditions and for resuming normal operations after an emergency.

- d. ELECTRONIC RECORDS. Any information recorded in a form that only a computer can process that satisfies the definition of a Federal record under the Federal Records Act. The term includes both the record content and the associated metadata that the agency determines is required to meet agency business needs. (36 CFR 1220.18).
 - e. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA). Federal agency responsible for overseeing agencies' adequacy of documentation and records disposition programs and practices. (36 CFR 1220.18).
 - f. PROGRAM RECORDS OFFICIAL (PRO). A senior-level Headquarters manager who has program and field site oversight, budgetary, and signature authority to approve records issues for the program and serves as the program liaison with the Departmental Records Officer.
 - g. RECORDS LIAISON OFFICER (RLO). One who provides day-to-day administration of an organization's records management program and acts as liaison with the PRO or RMFO, as appropriate.
 - h. RECORDS MANAGEMENT FIELD OFFICER (RMFO). A senior manager who represents a field site, office, or laboratory to implement the records management program for their respective organizations; who serves as liaison with the PRO, and provides oversight and guidance to Federal and contractor records management programs.
 - i. RIGHTS AND INTERESTS RIGHTS RECORDS. Vital records essential to protect legal and financial rights of the Government and individuals directly affected by its activities (also known as Legal and Financial Interests Records). Examples include policies, legal binding documents, case files, accounts receivable records, social security records, payroll records, retirement records, and insurance records.
 - j. VITAL RECORDS. Essential agency records that are needed to meet operational responsibilities under national security emergencies or other emergency conditions (emergency operating records) or to protect the legal and financial rights of the Government and those affected by Government activities (legal and financial rights records). (36 CFR 1223.2(b)). Vital records considerations are part of DOE's Continuity of Operations Plan.
7. REFERENCES.
- a. 36 CFR, Subchapter B, *Records Management* (all applicable subparts), 11-02-09.
 - b. 36 CFR 1223, *Managing Vital Records*, dated 11-02-09.
 - c. 36 CFR 1234, *Facilities Standards for Records*, dated 11-02-09.

- d. DOE G 151.1A, *Emergency Management Fundamentals and the Operational Emergency Base Program*, dated 7-11-07.
- e. DOE O 150.1, *Continuity Programs*, dated 5-8-08.
- f. DOE O 151.1C, *Comprehensive Emergency Management System*, dated 11-2-05.
- g. DOE O 243.1A, *Records Management Program*, dated 11-7-11.
- h. DOE O 420.1B, *Facility Safety*, dated 12-22-05.
- i. DOE O 470.4B, *Safeguards and Security Program*, dated 7-26-11.
- j. DOE O 471.1B, *Identification and Protection of Unclassified Controlled Nuclear Information*, dated 3-01-10.
- k. DOE O 471.3, *Identifying and Protecting Official Use Only Information*, dated 4-9-03.
- l. DOE O 475.2A, *Identifying Classified Information*, dated 2-01-11.
- m. DOE OCIO Records Management Processes, *Procedure for Conducting a Records Inventory*, dated 10-31-07.
- n. DOE, OCIO pamphlet, *Identify and Protect Your Vital Records*, dated September 2011.
- o. E.O. 12344, (Statutorily prescribed by 50 U.S.C. §§ 2406 and 2511), Naval Nuclear Propulsion Program, dated 2-1-82.
- p. E.O. 12656, Assignment of Emergency Preparedness Responsibilities, dated November 1988.
- q. Federal Continuity Directive 1, dated February 2008.
- r. Federal Preparedness Circular 65, *Federal Executive Branch Continuity of Operations (COOP)*, dated 6-15-04.
- s. National Archives and Records Administration publication, *Vital Records and Records Disaster Mitigation and Recovery: An Instructional Guide*.
- t. National Defense Authorization Act for FY 1997, Pub. L. 104-201, Section 3174, dated 9-23-96.
- u. National Nuclear Security Administration Act, Title XXXII of Pub. L. 106-65, dated 4-20-11.

8. CONTACT. Questions concerning this Order should be addressed to the Departmental Records Officer, Office of the Chief Information Officer, at doerm@hq.doe.gov or 301-903-3455 or the Director of Emergency Operations (NNSA).

DANIEL B. PONEMAN
Deputy Secretary

CONTRACTOR REQUIREMENTS DOCUMENT
DOE O 243.2A, VITAL RECORDS

This Contractor Requirements Document (CRD) establishes the requirements for the creation and handling of Department of Energy (DOE) and National Nuclear Security Administration information identified as vital records for contractors who create, use, maintain, receive, disseminate, or dispose of DOE records in connection with the performance of DOE-funded tasks or activities.

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this CRD. The contractor is responsible for flowing down the requirements of this CRD to subcontractors at any tier to the extent necessary to ensure contractor compliance with the requirements.

As directed by the contracting officer, the contractor must meet the following requirements:

1. **REQUIREMENTS.**
 - a. Establish and maintain a vital records program in accordance with 44 U.S.C 3101; 36 CFR Part 1223; and Federal Continuity Directive 1, dated February 2008; the CRD of DOE Order 150.1, *Continuity Programs*, dated 5-8-08; and the CRD of DOE Order 151.1C, *Comprehensive Emergency Management System*, dated 11-2-05.
 - b. The CRD of DOE Order 243.1A, *Records Management Program*, is incorporated by reference.
 - c. Provide the Program Records Official (PRO), Records Management Field Officer (RMFO), or Records Liaison Officer (RLO), as appropriate with a copy of their current Vital Records Inventory.

2. STORAGE CONSIDERATIONS.

- a. Establish locations where vital records will be stored, such as alternate emergency operations centers, command centers, and relocation sites that will provide adequate protection and accessibility and meet the improved fire protection risk level required by 36 CFR Part 1234, *Facility Standards for Records*, dated 11-02-09, and the CRD for DOE O 420.1B, *Facility Safety*, dated 12-22-05. Before classified documents can be stored at these locations, the contractor must obtain approval in accordance with the CRD for DOE O 470.4B, *Safeguards and Security Program*, dated 7-26-11.
- b. Store records in a manner that ensures ease of access, retrieval, and control. Storage systems must allow for access in accordance with 36 CFR 1223, *Managing Vital Records*, dated 11-02-09; and 36 CFR 1234, *Facility Standards for Records*, dated 11-02-09. Classified and unclassified records must be handled in accordance with the CRD for DOE O 471.1B, *Identification and Protection of Unclassified Controlled Nuclear Information*, dated 3-01-10, and the CRD for DOE O 471.3, *Identifying and Protecting Official Use Only Information*, dated 4-9-03; DOE O 475.2A, *Identifying Classified Information*, dated 2-01-11.

3. DISPOSITION OF RECORDS. Maintain original vital records for the period of time specified in the DOE records disposition schedules. Duplicate copies of vital records stored at COOP identified locations should be destroyed or deleted when obsolete or superseded and replaced with updated copies.

4. REFERENCES.

- a. 36 CFR, Subchapter B, *Federal Records Management* (all applicable subparts), 11-02-09.
- b. 36 CFR 1223, *Managing Vital Records*, dated 11-02-09.
- c. 36 CFR 1234, *Facility Standards for Records*, dated 11-02-09.
- d. DOE G 151.1A, *Emergency Management Fundamentals and the Operational Emergency Base Program*, dated 7-11-07.
- e. DOE O 151.1C, *Comprehensive Emergency Management System*, dated 11-2-05.
- f. DOE O 243.1A, *Records Management Program*, dated 11-7-11.
- g. DOE O 420.1B, *Facility Safety*, dated 12-22-05.
- h. DOE O 470.4B, *Safeguards and Security Program*, dated 7-26-11.

- i. DOE O 471.1B, *Identification and Protection of Unclassified Controlled Nuclear Information*, dated 3-01-10.
 - j. DOE O 471.3, *Identifying and Protecting Official Use Only Information*, dated 4-9-03.
 - k. DOE O 475.2A, *Identifying Classified Information*, dated 2-01-11.
 - l. DOE, Office of the Chief Information Officer pamphlet, *Identify and Protect Your Vital Records*, dated September 2011.
 - m. DOE O 150.1, *Continuity Programs*, dated 5-8-08.
 - n. E.O. 12344, (Statutorily prescribed by 50 U.S.C. §§ 2406 and 2511), Naval Nuclear Propulsion Program, dated 2-1-82.
 - o. E.O. 12656, Assignment of Emergency Preparedness Responsibilities, dated November 1988.
 - p. Federal Preparedness Circular 65, *Federal Executive Branch Continuity of Operations (COOP)*, dated 6-15-04.
 - q. National Archives and Records Administration publication, *Vital Records and Records Disaster Mitigation and Recovery: An Instructional Guide*.
 - r. National Defense Authorization Act for FY 1997, Pub. L. 104-201, Section 3174, dated 9-23-96.
 - s. National Nuclear Security Administration Act, Title XXXII of Pub. L. 106-65, dated 4-20-11.
5. DEFINITIONS. Other definitions used throughout this Order can be found in 36 CFR, Subchapter B, *Federal Records Management*, 11-02-09; 36 CFR 1223, *Managing Vital Records*.
- a. EMERGENCY OPERATING RECORDS. Vital records essential to the continued functioning or reconstitution of an organization during and after an emergency. Included are emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records that assist agency staff in conducting operations under emergency conditions and for resuming normal operations after an emergency.

- b. RIGHTS AND INTERESTS RIGHTS RECORDS. Vital records essential to protect legal and financial rights of the Government and individuals directly affected by its activities (also known as Legal and Financial Interests Records). Examples include policies, legal binding documents, case files, accounts receivable records, social security records, payroll records, retirement records, and insurance records.
- c. VITAL RECORDS. Essential agency records that are needed to meet operational responsibilities under national security emergencies or other emergency conditions (emergency operating records) or to protect the legal and financial rights of the Government and those affected by Government activities (legal and financial rights records). (36 CFR 1223.2(b)). Vital records considerations are part of the DOE Continuity of Operations Plan.